

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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ARTHUR GRICE,

Plaintiff,

Case No. 1:23-cv-938

v.

Honorable Ray Kent

UNKNOWN HAIRSTON et al.,

Defendants.

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**ORDER FOR PARTIAL DISMISSAL**  
**and PARTIAL SERVICE**

In accordance with the opinion filed this date:

**IT IS ORDERED** that Plaintiff's action against Defendants Lasata, Byrd, Page, Mackin, Herbert, and Bailey be **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915(e) and 1915A, and 42 U.S.C. § 1997e(c).

**IT IS FURTHER ORDERED** that Plaintiff's Eighth Amendment claim regarding his conditions of confinement at the Berrien County Jail be **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915(e) and 1915A, and 42 U.S.C. § 1997e(c).

**IT IS FURTHER ORDERED** that the Clerk shall forward the complaint to the U.S. Marshals Service, which is authorized to mail a request for waiver of service to Defendants Hairston, Bowman, Warman, Starkey, O'Brien, Magro, Williams, Khaul, and Rankin in the manner prescribed by Fed. R. Civ. P. 4(d)(2). If waiver of service is unsuccessful, summons shall issue and be forwarded to the U.S. Marshals Service for service under 28 U.S.C. § 1915(d).

**IT IS FURTHER ORDERED** that the Defendants Hairston, Bowman, Warman, Starkey, O'Brien, Magro, Williams, Khaul, and Rankin shall file an appearance of counsel (individual Defendants may appear *pro se* if they do not have counsel) within 21 days of service or, in the case of a waiver of service, 60 days after the waiver of service was sent. Until so ordered by the Court, no Defendant is required to file an answer or motion in response to the complaint, and no default will be entered for failure to do so. *See* 42 U.S.C. § 1997e(g)(1). After a Defendant has filed an appearance, proceedings in this case will be governed by the Court's Standard Case Management Order in a Prisoner Civil Rights Case.

Dated: October 26, 2023

/s/ Ray Kent

Ray Kent

United States Magistrate Judge